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Marcus Davidsson

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EXAMINER

HUYNH, SON P

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/035,557	Applicant(s) DAVIDSSON, MARCUS	
	Examiner SON P. HUYNH	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33,36,37 and 41-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33,36,37 and 41-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/09/2009 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-33, 36-37, 41-43 have been considered but are moot in view of the new ground(s) of rejection.

In response to Applicant's argument neither Uchida and Barnett teach or suggest new added feature of visually associating in the electronic calendar the user identifier with the non-broadcast-related event added to the electronic calendar... (page 14, paragraph 2), Examiner relies on Adler (US 6,249,765) for this teaching (figure 12, col. 14, line 51-col. 15, line 10).

In addition, the phrase "visually associating...a user identifier." as claimed, does not functionally change Uchida system over how it operates with respect to the disclosed graphics display with additional information, and, thus, constitutes

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non-functional descriptive material. Non-functional descriptive material cannot render patentable an otherwise unpatentable product or process. In re Ngai, 367 F.3d 1336, 1339 (Fed. Cir. 2004); Exparte Curry, 84 USPQ2d 1272, 1275 (BPAI 2005) (Informative Opinion) (Affirmed, Rule 36, Fed. Cir., slip op. 06-1003, June 2006) ("Common situations involving non-functional descriptive material [include] a computer that differs from the prior art solely with respect to nonfunctional descriptive material that cannot alter how the machine functions (i.e., the descriptive material does not reconfigure the computer)...").

Applicant argues the visual association of the user identifier with the specific instance....to determine potential conflict...(page 13, paragraph 1). However, the function is determination potential conflict is performed by the user. The user identifier visually associated with the specific instance itself cannot alter how the machine functions. Thus, the visually associating in the electronic calendar a user identifier with the non-broadcast event or visually associating in the electronic calendar a user identifier with the at least one specific instance of a broadcast program... are non-functional descriptive material.

For the reasons given above, rejections on the claims are analyzed as discussed below.

Claims 34-35, 38-40 have been canceled.

Claims 10 recites the limitation "the specific instance" or "the program" in line 13-14. There is insufficient antecedent basis for this limitation in the claim.

Claim Objections

3. Claims 11 and 32 are objected to because of the following informalities:

Claim 11, line 2, recites "a broadcast program" should be replaced as – the broadcast program—

Claim 32, line 1, recites "an electronic calendar" should be replaced as -- the electronic calendar--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-33, 36-37, 41-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 10, 15, 25, the phrase "instance" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claims 2, 4-7 depend on canceled claim 38. These claims are interpreted as best understood as they depend on claim 1.

Claim 32 recites the limitation "said visually associating a user identifier in the electronic program guide" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-7, 9, 15-22, 24-31, 36-37, 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida et al. (US 2002/0049620) in view of Adler (US 6,249,765).

Regarding claim 1, Uchida discloses a method comprising:

accessing the electronic calendar configured to store a plurality of event entries at a respective plurality of times with the event entries including a specific instance of a scheduled broadcast program (e.g., start time, title, etc. of viewing and/or recording reservation information – figure 5) as well at least one user-generated event entry relating to a scheduled non-broadcast related event (events such as to have meal, go to a concert, etc. - figure 2, 5, paragraph 0074), the electronic calendar listing events in relation to times and dates (see include, but not limited to, figures 2, 5, paragraphs 0074, 0090-0096);

adding a user-generated event entry relating to a scheduled non-broadcast-related event to the electronic calendar and visually associating in the

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electronic calendar text information, pictograph, etc. with the non-broadcast-related event added to the electronic calendar, wherein adding the user-generated event entry and visually associating the text information, pictograph, etc. are performed by a processor (see include, but not limited to, figures 1-3, paragraphs 0015-0017, 0040, 0042, 0074, 0077-0079);

accessing an electronic programming guide, the electronic programming guide listing a plurality of specific instances of scheduled broadcast programs in relation to respective unique scheduled times and channels and comprising information associated with each of the plurality of scheduled broadcast programs (e.g., accessing EPG by select “EPG” icon, the EPG displays information such as program name, channel, time, etc. in association with each of plurality of scheduled broadcast programs- see include, but are not limited to, paragraphs 0026, 0044, 0058, 0083, figures 2- 4);

displaying the accessed electronic programming guide on the electronic display (see include, but not limited to, figure 4, paragraph 0083);

receiving a user selection of at least one specific instance of a broadcast program of the plurality of specific instances of scheduled broadcast programs in the accessed electronic programming guide (e.g., receiving user selection of program of recording reservation, viewing reservation, etc.— see include, but not limited to, paragraphs 0083-0090, figures 4-7);

Uchida further discloses in response to receiving user selection, visually associating in the electronic calendar information such as time, highlighted, etc. with the at least one specific instance of a broadcast program of the plurality of

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specific instances of scheduled broadcast programs selected in the accessed electronic programming guide (see include, but are not limited to, figure 2, 5-7, paragraphs 0090-0095, 0109-0110).

Uchida discloses does not explicitly disclose text information, pictograph, etc. visually associated with each events in the electronic calendar comprises user identifier.

Adler discloses visually associating each events in an electronic calendar with user identifier (see include, but not limited to, figure 12, col. 8, lines 30-60, col. 14, line 52-col. 15, line 12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Uchida with the teaching of visually associating user identifier with events in electronic calendar in order to yield predictable results such as to create a useful calendar in home and office environments, or allowing users to share calendar and following events set on calendar easily.

Regarding claim 41, Uchida in view of Adler discloses the method as discussed in the rejection of claim 1. Uchida in view of Adler further discloses the selecting at least one specific instance of a broadcast program of the plurality of scheduled broadcast programs in the accessed electronic programming guide includes selecting at least one specific instance of a broadcast program of the plurality of scheduled broadcast programs in the accessed electronic programming guide, and thereby transferring information, associated with the at least one selected broadcast program, to an electronic calendar as at least one new broadcast

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event entry, each new broadcast event entry containing the information for a corresponding selected specific instance of a broadcast program and being stored in the electronic calendar at a time corresponding to a broadcast time of the respective at least one selected broadcast program (see include, but are not limited to, Uchida: figures 4-7, paragraphs 0086-0095).

Regarding claim 2, Uchida in view of Adler further discloses at least a portion of the displayed electronic calendar is replaced on the display by the electronic programming guide when the electronic programming guide is accessed, and the electronic programming guide is removed from the display upon selection of the at least one of the plurality of broadcast programs (e.g., selecting EPG icon on the calendar and at least portion of calendar is replaced by EPG information when the EPG is accessed, and the EPG is removed or hidden when calendar is accessed - see include, but are not limited to, Uchida: figures 2-7, paragraphs 0090-0095, 0082).

Regarding claim 3, Uchida in view of Adler discloses the method as discussed in the rejection of claim 1. Uchida in view of Adler further discloses the scheduled broadcast programs listed in the electronic programming guide are television programs (see include, but are not limited to, Uchida: figure 4).

Regarding claim 4, Uchida in view of Adler further discloses the scheduled broadcast programs listed in the electronic programming guide are television

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programs, and wherein the information transferred from the electronic programming guide to the electronic calendar comprises at least one of a name, start time, duration, and channel number of the corresponding at least one selected television program (see include, but not limited to, Uchida: figures 4-7, paragraphs 0090-0095).

Regarding claim 5, Uchida in view of Adler further discloses the information transferred comprises an identification of the at least one selected broadcast program (see include, but not limited to, Uchida: figure 5, paragraphs 0090-0095).

Regarding claim 6, Uchida in view of Adler further discloses comprising displaying one of a reminder and recording icon in the electronic calendar when a broadcast program for which a broadcast event entry has been stored in the electronic calendar is tagged for one of a reminder and a recording function, respectively (see include, but not limited to, Uchida: figures 2, 5, paragraphs 0091-0094, 0121, 0126, displaying recording icon, highlight, or recording reservation information, etc. to clearly notify the kind of reservation made, when a broadcast program for which a broadcast event entry has been stored in the electronic calendar is tagged for recording function).

Regarding claim 7, Uchida in view of Adler further discloses the broadcast program for which a broadcast event entry has been stored in the electronic

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calendar is tagged in the electronic programming guide for one of a reminder and a recording function, respectively (see discussion in the rejection of claim 6).

Regarding claim 9, Uchida in view of Adler discloses the method as discussed in the rejection of claim 1. Uchida in view of Adler further discloses of selecting at least one of the plurality of specific instances of scheduled broadcast programs in the accessed electronic programming guide comprises highlighting a listing in the accessed electronic programming guide corresponding to the at least one selected program (see include, but not limited to. Uchida: paragraphs 0083-0090, figure 4).

Regarding claim 30, Uchida in view of Adler discloses the method as discussed in the rejection of claim 41. Uchida in view of Adler further discloses wherein accessing the electronic programming guide comprises accessing the electronic programming guide from the electronic calendar by selecting an icon associated with the displayed electronic calendar (see include, but not limited to, Uchida: figures 2, 3, 5, paragraphs 0082-0083).

Regarding claim 36, Uchida in view of Ellis discloses the method as discussed in the rejection of claim 1. Uchida further discloses visually associating in the electronic calendar text information, icon, etc. with the at least one specific instance of a broadcast program of the plurality of scheduled broadcast programs selected in the accessed electronic programming guide includes automatically

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visually associating in the electronic calendar textual information, pictograph, etc. with at least one specific instance of a broadcast program of the plurality of scheduled broadcast programs selected in the accessed electronic program guide (see discussion in the rejection of claim 1, and paragraphs 0091-0094, 0096, 0126, 0109-0110, 0121). Uchida does not explicitly disclose the text information, icon, pictograph, etc. visually associated with selected events in the electronic calendar comprises user identifier. Adler disclose visually associating in the electronic calendar user identifier with event and automatically visually associating in the electronic calendar a user identifier with event on electronic calendar (see discussion in the rejection of claim 1, and col. 9, lines 25-62, col. 14, line 50-col. 15, line 10). Therefore, it would have been obvious to one of ordinary skill in the art to modify Uchida with the teaching of visually associating a user identifier with an event on electronic calendar for the benefit as discussed in the rejection of claim 1.

Regarding claim 37, Uchida in view of Adler discloses the method as discussed in the rejection of claim 41. Uchida in view of Adler further discloses, wherein selecting at least one specific instance of a broadcast program of the plurality of scheduled broadcast programs in the accessed electronic programming guide, and thereby transferring information to an electronic calendar as at least one new broadcast event entry includes selecting at least one specific instance of a broadcast program of the plurality of scheduled broadcast programs in the accessed electronic programming guide, and thereby transferring information as

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at least one new broadcast event entry to an electronic calendar that is integrated with the electronic programming guide (see include, but are not limited to, Uchida, figures 4-5, paragraphs 0090-0095).

Regarding claim 15, the limitations of the apparatus that correspond to the limitations of the method as claimed in claim 1 are analyzed as discussed with respect to the rejection of claim 1, wherein "processor" is read on the CPU and other component in television receiver for retrieving, processing the electronic program guide and displaying the electronic program guide on the display device, a control signal is read on signal received in response to user selections (see include, but not limited to, figures 1-15).

Regarding claims 18 and 24, the additional limitations of the apparatus as claimed correspond to the additional limitations of the method as claimed in claims 3 and 9 and are analyzed as discussed with respect to the rejection of claims 3 and 9.

Regarding claim 42, the limitations that correspond to the limitations of claim 41 are analyzed as discussed with respect to the rejection of claim 41; wherein the storage device is interpreted as storage such as ROM, RAM, EEPROM, or other memory for storing electronic calendar – see include, but are not limited to, Uchida: figures 1-7).

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Regarding claims 31, 19-22, the additional limitations that correspond to the additional limitations of 30, 4-7 are analyzed as discussed with respect to the rejections of claims 30, 4-7.

Regarding claim 16, Uchida in view of Adler discloses the apparatus as discussed in the rejection of claim 42. Uchida in view of Adler further discloses an output component configured to generate a video output signal capable of driving a monitor, the video output signal being capable of displaying on the monitor the electronic calendar and the electronic programming guide (see include, but are not limited to, Uchida: figures 1-5).

Regarding claim 17, Uchida in view of Adler discloses the apparatus as discussed in the rejection of claim 16. Uchida in view of Adler further discloses the video output signal is such that at least a portion of the electronic calendar when displayed is replaced by the electronic programming guide when the electronic programming guide is accessed, and the electronic programming guide when displayed is removed upon selection of a broadcast program (see figures 1-5 and discussion in the rejection of claim 2).

Regarding claims 25-26, the limitations as claimed correspond to the limitations of claims 15, 18, and are analyzed as discussed with respect to the rejection of claims 15, 18.

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Regarding claims 43, 27-29, the limitations that correspond to the limitations of claims 42, 19, 21-22 are analyzed as discussed in the rejection of claims 42, 19, 21-22.

8. Claims 8, 23, 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida in view of Adler as applied to claim 1 or 15 above, and further in view of Yuen et al. (6,430,359).

Regarding claim 8, Uchida in view of Adler discloses the method as discussed in the rejection of claim 1. Uchida in view of Alder further discloses wherein the selecting at least one of the plurality of specific instances of scheduled broadcast programs in the accessed electronic programming guide (see include, but are not limited to, Uchida: paragraphs 0083-0090). However, Uchida in view of Adler does not explicitly disclose selecting comprises entering a code for a selected program, the code uniquely identifying the selected program.

Yuen discloses selecting program in the electronic program guide comprises entering a code for a selected program, the code uniquely identifying the selected program (interpreted as select a program comprises entering compressed code or G-code, the compressed code or G-code uniquely identifying the selected program – see include, but not limited to, col. 16, lines 5-41, figure 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis to use the teaching as

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taught by Yuen in order yield predictable results such as to enter information of selected program simpler, faster and less error-prone (see col. 2, lines 24-31).

Regarding claim 23, the additional limitations correspond to the additional limitations of claim 8 and are analyzed as discussed with respect to the rejection of claim 8.

Regarding claim 10, Uchida discloses a method comprising:

- accessing an electronic calendar capable of storing a plurality of event entries at a respective plurality of times, the electronic calendar listing events in relation to times and dates (see include, but are not limited to, figures 2, 5);

- displaying the accessed electronic calendar on an electronic display (figures 2, 5);

- transferring information, associated with the at least one selected broadcast program, to an electronic calendar as at least one new broadcast entry, each new broadcast entry containing the information for a corresponding selected specific instance of a broadcast program and being stored in the electronic calendar at a time corresponding to a broadcast time of the respective at least one selected broadcast program (see include, but not limited to, figures 27, paragraphs 0086-0094, 0121, 0126);

for the limitations that correspond to limitations of claims 8, 37. 41 are analyzed as discussed in the rejections of claims 8, 37, 41.

Regarding claims 11-14, the additional limitations as claimed correspond to the additional limitations as claims in claims 3-4, 6-7, and are analyzed as discussed with respect to the rejection of claims 3-4, 6-7.

9. Claims 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida in view of Adler as applied to claim 1 or 15 above, and further in view of Ellis et al. (US 2003/0020744 A1 – referred as Ellis).

Note: US 7,185,355 B1 (referred as E355), US 2005/0204388 A1 (referred as K388), US 2003/0149988 A1 (referred as E988), US 2005/0204387 A1 (referred as K387) are incorporated by reference in Ellis in their entirety (see Ellis - paragraphs 0068, 0085, 0092, 0098, 0102, 0104, 0107, 0108). All references incorporated by reference in their entirety in Ellis are treated as part of Ellis specification.

Regarding claim 32, Uchida in view of Adler discloses the method as discussed in the rejection of claim 1. Uchida further discloses an electronic calendar is configured to store event entries for a user, wherein said selecting at least one specific instance of a broadcast program of the plurality of specific instances of scheduled broadcast programs in the accessed electronic programming guide includes selecting a plurality of specific instances of scheduled broadcast programs respectively associated with user (see include, but are not limited to, Uchida: figures 2, 5), and wherein the visually associating textual information,

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pictograph, etc. in the electronic calendar with the at least one specific instance of the plurality of scheduled broadcast programs selected in the accessed electronic programming guide includes visually associating in the electronic calendar pictograph, text information, icon, etc. with corresponding ones of the plurality of specific instances of scheduled broadcast programs (see discussion in the rejection of claim 1 and figures 1-6, paragraph 0090-0094, 0121, 0126).

Adler discloses storing event entries for a plurality of users and visually associating a user identifier in the electronic calendar with corresponding ones of the plurality events in the electronic calendar (see discussion in the rejection of claim 1, and figure 12). However, Uchida in view of Adler does not explicitly disclose visually associating a user identifier in the electronic programming guide.

Ellis discloses visually associating a user identifier in the electronic programming guide with the at least one specific instance of the plurality of scheduled broadcast programs selected in the accessed electronic programming guide (see include, but are not limited to, E355: figure 24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Uchida in view of Adler with the teaching of visually associating a user identifier in the electronic program guide as taught by Ellis in order to yield predictable results such as allowing user to select desired programs easily.

Regarding claim 33, Uchida in view of Adler discloses the apparatus as discussed in the rejection of claim 15. Uchida in view of Adler further discloses

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the processor is configured to select a plurality of specific instances of scheduled broadcast programs and wherein the processor is further configured to visually associate in the electronic calendar respective user identifiers with corresponding one of the specific instances of the plurality of scheduled programs selected in the accessed electronic program guide, the respective user identifiers providing an indication of a respective one of the plurality of users with which each of the plurality of scheduled program is associated (see include, but not limited to, discussion in the rejection of claim 1, 15 and Uchida: figures 1-6, Alder: figure 12). However, Uchida in view of Adler does not explicitly disclose plurality of specific instances of scheduled program respectively associated with a plurality of users.

Ellis discloses select a plurality of specific instances of scheduled broadcast programs respectively associated with a plurality of users (see include, but are not limited to, E355: figure 24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Uchida in view of Adler with the teaching of visually associating a user identifier in the electronic program guide as taught by Ellis in order to yield predictable results such as allowing user to select desired programs easily.

Conclusion

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON P. HUYNH whose telephone number is (571)272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son P Huynh/
Primary Examiner, Art Unit 2424

July 28, 2009